

1.0 INTRODUCTION

1.1 PURPOSE

A Final Environmental Impact Report (Final EIR) has been prepared for the consideration of a new State lease by the California State Lands Commission (CSLC or Commission) for installation and operation of a proposed fiber optic cable segment identified as the AT&T Asia America Gateway Fiber Optic Cable Project. The Project applicant is AT&T. The Final EIR consists of the December 2008 Draft EIR, comments received during the 45-day public comment period, responses to those comments, and changes to the text of the Draft EIR. Note that the Final EIR references and incorporates the Draft EIR. The Draft EIR may be viewed electronically, in Word or Acrobat format, on the CSLC internet website at <http://www.slc.ca.gov>.

The Final EIR has been prepared pursuant to the California Environmental Quality Act (the CEQA) (section 21000 et seq., California Public Resources Code) and in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (section 15000 et seq., California Code of Regulations, Title 14). The *Guidelines* stipulate that an EIR must be prepared for any project that may have a significant impact on the environment. The AT&T Asia America Gateway Fiber Optic Cable Project is a “project” as defined by the State CEQA Guidelines. Upon preliminary review, the CSLC determined that the AT&T Asia America Gateway Fiber Optic Cable Project may have a significant adverse impact on the environment and, therefore, an EIR is required. The CSLC selected an environmental contractor to prepare the EIR to ensure that the document reflects an independent, objective analysis of the proposed Project.

The CSLC, as the Lead Agency for this proposal, is required by section 15089 of the CEQA to prepare a Final EIR. The Final EIR will be used by the CSLC as part of its approval process, including setting the conditions of the lease agreement, and incorporating mitigation measures for project implementation. A Mitigation Monitoring Program is incorporated in Section 8.0 of the Draft EIR, and revisions to the text of the Draft EIR are presented in Section 4.0 of this document.

1.2 CONTENTS OF THE FINAL EIR

As required by section 15132 of the *Guidelines*, the Final EIR consists of the following elements:

- The Draft EIR or a revision of the draft;
- A list of persons, organizations, and public agencies commenting on the Draft EIR (see Section 3.0);
- Comments and recommendations received on the Draft EIR (see Section 3.0);
- Responses to significant environmental points raised in the review and consultation process (see Section 3.0). For ease of reference, those portions of the hearing transcripts reflecting comments by parties submitting letters immediately follow such letters. The transcripts in their entirety are in the appendices; and
- Revisions to the text of the Draft EIR (see Section 4.0).

1.3 DECISION-MAKING PROCESS

The CSLC is the CEQA lead agency for this Final EIR because the Commission has jurisdiction over the State tidelands and submerged lands that would be occupied by the proposed Project. The CSLC will use the Final EIR in its decision-making processes to help determine whether to issue a lease of State lands for the proposed Project.

The CSLC must certify that:

- The Final EIR has been completed in compliance with the CEQA;
- The Final EIR was presented to the CSLC in a public meeting and the CSLC reviewed and considered the information contained in the Final EIR prior to considering the proposed Project; and
- The Final EIR reflects the CSLC's independent judgment and analysis (CEQA Guidelines Section 15090).

1 In conjunction with certification of the Final EIR, the CSLC must prepare one or more
2 written findings of fact for each significant environmental impact identified in the
3 document. These findings must either state that:

- 4 • The Project has been changed (including adoption of mitigation measures) to
5 avoid or substantially reduce the magnitude of the impact;
- 6 • Changes to the Project are within another agency's jurisdiction and have
7 been or should be adopted; or
- 8 • Specific considerations make mitigation measures or alternatives infeasible.

9 If any of the impacts identified in the EIR cannot be reduced to a level that is less than
10 significant, the CSLC may issue a Statement of Overriding Considerations for approval
11 of the project if specific social, economic, or other factors justify a project's unavoidable
12 adverse environmental effects. If the CSLC decides to approve a project for which a
13 Final EIR has been prepared, the CSLC will issue a Notice of Determination.

14 In addition to action by the CSLC, the proposed Project is expected to require the
15 permits and approvals identified below. The identified regulatory agencies will utilize
16 this document in their decision-making processes.

- 17 • ACOE (assumed to be through Nationwide Permit No. 12 - Utility Line
18 Activities) authorization under section 404 of the Clean Water Act and section
19 10 of the Rivers and Harbors Act;
- 20 • Coastal Development Permit and Federal Consistency Determination under
21 the Coastal Zone Management Act issued by the California Coastal
22 Commission;
- 23 • Consultation and compliance regarding the existing land use permit
24 previously issued by the San Luis Obispo County Department of Planning and
25 Building in 1991 for construction of the terrestrial cable conduit system,
26 Sandspit Beach parking lot landing site, and installation of cables within the
27 terrestrial cable conduit system;
- 28 • Section 401 Water Quality Certification issued by the California Regional
29 Water Quality Control Board, Central Coast Region; and

- 1 • Streambed Alteration Agreement issued by the California Department of Fish
2 and Game pursuant to section 1602 of the California Fish and Game Code
3 (required for stream crossings along terrestrial access routes).